

ORDINANCE-3822

AN ORDINANCE TO AMEND THE CITY  
CODE, APPENDIX C, SITE PLAN  
ORDINANCE, TO UPDATE REFERENCES TO  
THE STATE CODE AND THE EROSION AND  
STORMWATER MANAGEMENT ORDINANCE

Sections Amended: Site Plan Ordinance §§ 1, 3, 4 and 7

WHEREAS, the public necessity, convenience, general welfare and good zoning  
practice so require;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
BEACH, VIRGINIA:

That Sections 1, 3, 4 and 7 of the Site Plan Ordinance are hereby amended and  
reordained to read as follows:

**APPENDIX C SITE PLAN ORDINANCE**

**Sec. 1. Definitions.**

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1.2. *Adequate*. The term adequate shall mean standards and/or specifications as set  
forth in recognized engineering codes and regulations, as approved and recognized  
by national engineering organizations, except where such standards conflict with  
the Public Works Design Standards Manual, as approved by the council of the City  
of Virginia Beach, in which case the latter shall control.

1.3. *Agricultural use*. Shall mean any use devoted to the bona fide production for sale of  
plants and animals useful to man, as more specifically defined in section 58-  
~~769.53230~~ of the Code of Virginia, as amended, and under those uniform standards  
as may be prescribed by the commissioner of agriculture and commerce, or those  
uses devoted to and meeting the requirements and qualifications for payments or  
other compensation pursuant to a soil conservation program under an agreement  
with an agency of the federal government.

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**Sec. 3. Procedures.**

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- 44 (c) Stormwater Management Review fees as required by Section 4-33 5.9 of the  
45 Erosion and Stormwater Management Ordinance [Appendix D].  
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- 47 (d) If an applicant, at any time during site plan review, submits a review, submits a  
48 revised plan or portion thereof, field change or makes a change to the plan under  
49 review not at the request of the City of Virginia Beach, such revision shall be  
50 accompanied by a fee of one hundred sixty-eight dollars (\$168.00) per sheet that is  
51 revised or changed.  
52
- 53 A.3. At the time any other type of site plan is submitted a review fee in the amount  
54 of eighty-four dollars (\$84.00) shall be required.  
55
- 56 A.4. At the time easement or dedication plats are submitted a review fee in the in  
57 the amount of eighty-four dollars (\$84.00) shall be required.  
58 All fees shall be payable to the city treasurer.  
59
- 60 B. After the site development plan, related materials and fees have been  
61 submitted, it shall be reviewed and processed by the city agent and other  
62 affected city agencies for conformity to this ordinance and other applicable  
63 regulations. The city agent shall act upon the site development plan and  
64 related material as submitted by the developer, or as modified by the site  
65 development review process, ~~within twenty (20) working days, unless~~  
66 ~~extensive modification to the plan or extenuating circumstances require~~  
67 ~~additional time, and if approved, shall certify its approval and state the~~  
68 ~~conditions of such approval, if any, or if disapproved, shall indicate its~~  
69 ~~disapproval and the reasons therefor.~~ in accordance with the timeline and  
70 review criteria outlined in section 15.2-2259 of the Code of Virginia.  
71
- 72 C. The action of the city agent shall be noted on all copies of the site development  
73 plan to be retained in the record, referenced and attached to any changes or  
74 conditions determined. One such copy shall be returned to the developer, and  
75 others retained as required for records or further action of the department or  
76 other affected agencies of the city.  
77
- 78 D.1. Building permits shall be issued in accordance with approved site development  
79 plans. A copy of the approved site plan shall be retained in the records of the  
80 building inspector's office and all building and occupancy permits shall conform  
81 to the provisions of said site development plan.  
82
- 83 D.2. Prior to issuance of a building permit, the developer shall furnish to the city a  
84 certified check or bond with surety satisfactory to the city attorney. The check  
85 or bond shall be in the amount of the estimated construction costs for all public  
86 improvements to be accepted for dedication, maintenance and operation by

the city. Estimated construction costs shall be in accordance with the approved site development plans; and the amount thereof shall be subject to the approval of the department of public works and the department of public utilities.

D.3. For development or redevelopment subject to the plan of development process set forth in Section 107 of the Chesapeake Bay Preservation Area Ordinance [Appendix F], there shall also be furnished a certified check, bond, irrevocable letter of credit or other surety satisfactory to the city attorney in an amount equal to the estimated cost, including materials, of installation of required landscaping. Cost estimates shall be based upon the approved plan of development and shall be subject to the approval of the director of development services. The terms "development" and "redevelopment" shall be as defined in section 103 of the Chesapeake Bay Preservation Area Ordinance.

E.1. Approval of the site development plan shall be void unless a building permit has been issued or use of the land has commenced within ~~one hundred eighty five (1805) days~~ years from the date of approval. Upon request, revalidation of the site plan may be granted for an additional ~~ninety one (901) days~~ year if all factors of the original site plan review are the same; provided written notice requesting revalidation is received by the city agent prior to expiration of the original ~~one hundred eighty five (1805) day~~ year period.

E.2. A stop work order shall be put on the project if any improvements required on the approved site development plan are not adhered to during the development of the site.

F. When any improvement is to be accepted for dedication, maintenance or operation by the department of public utilities, the developer may be required to provide a certified check or bond (with surety acceptable to the city attorney) in the amount of ten (10) percent of the total construction costs of the project to cover the costs of any defects which may occur in such improvements within two (2) years after the date of acceptance by the city. The director of public utilities shall be responsible for determining when such security shall be required.

#### **Sec. 4. Information required on site development plan.**

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B. *Existing and required site features and improvements:*

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7. Existing and proposed storm drainage easements and the direction of drainage flow in streets, storm sewers, valley gutters, streams and ditches. Indicate all contributing areas in acres for storm drainage calculations as required by the Erosion and Stormwater Management Ordinance [Appendix D]. Drainage area maps and drainage calculations shall be submitted to the city as a component of the site stormwater management plan in accordance with the Erosion and Stormwater Management Ordinance [Appendix D].

8. All existing and proposed water, sanitary sewer facilities indicating pipe sizes, types and grades shall be shown. Connections into existing or proposed central water and sewer systems shall be shown.

9. Provision and schedule for the adequate control of erosion and sedimentation shall be in accordance with ~~article III of chapter 30 of the Code of the City of Virginia Beach (City Code sections 30-56 through 30-78)~~ the Erosion and Stormwater Management Ordinance [Appendix D].

10. Landscape design and land use buffer plan in accordance with the design standards of the department of planning, as approved by the council of the City of Virginia Beach, shall be required. Where Chesapeake Bay Preservation Areas are located on a site, landscaping design and buffer area plans shall be in accordance with Section 107 of the Chesapeake Bay Preservation Area Ordinance [Appendix F].

11. A definite distance tie to an existing street intersection shall be provided.

12. Location and identification of existing graves and objects or structures marking a place of burial shall be shown.

13. For development or redevelopment having a construction footprint exceeding two thousand five hundred (2,500) square feet in Chesapeake Bay Preservation Areas, there shall, except if waived as unnecessary by the planning director, also be provided all elements of the plan of development as required by Section 107 of the Chesapeake Bay Preservation Area Ordinance [Appendix F] and the elements for Chesapeake Bay land disturbing activities in accordance with the Erosion and Stormwater Management Ordinance [Appendix D]. The terms "development," "redevelopment" and "construction footprint" shall be as defined in section 103 of the Chesapeake Bay Preservation Area Ordinance. The term "Chesapeake Bay Preservation Act land disturbing activity" shall be as defined in Section 1-3.2 of the Erosion and Stormwater Management Ordinance [Appendix D].

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## **Sec. 7. Variances and appeals.**

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179 7.4. Notwithstanding anything in this section to the contrary, variances and appeals  
180 arising from provisions of the Chesapeake Bay Preservation Area Ordinance  
181 [Appendix F] included or incorporated in this ordinance shall be in accordance  
182 with Section 110 or Section 111 of the Chesapeake Bay Preservation Area  
183 Ordinance, as the case may be.

184  
185 7.5 Notwithstanding anything in this section to the contrary, variances and appeals  
186 arising from provisions of the Erosion and Stormwater Management Ordinance  
187 [Appendix D] included or incorporated in this ordinance shall be in accordance  
188 with the applicable provisions of the Erosion and Stormwater Management  
189 Ordinance [Appendix D].

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191 . . . .

Adopted by the Council of the City of Virginia Beach, Virginia, on the 12<sup>th</sup> day of  
August, 2025.